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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

1 Maria Palomares, SBN 266206,  
2 [mariapalomares@nls-la.org](mailto:mariapalomares@nls-la.org);  
3 Alexander Prieto, SBN 270864,  
4 [AlexanderPrieto@nls-la.org](mailto:AlexanderPrieto@nls-la.org);  
5 NEIGHBORHOOD LEGAL SERVICES  
6 OF LOS ANGELES COUNTY  
7 13327 Van Nuys Blvd., 91331  
8 T: (818) 492-5242 F: (818) 896-6647

9 Attorneys for Plaintiffs  
10 *(see next page for additional counsel)*

11 IN THE UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 BRENDIA MILES; DANE SULLIVAN;  
14 UNION DE VECINOS, a non-profit  
15 corporation; COALITION FOR  
16 ECONOMIC SURVIVAL, a non-profit  
17 corporation; PEOPLE ORGANIZED FOR  
18 WESTSIDE RENEWAL, a non profit  
19 corporation; and INDEPENDENT LIVING  
20 CENTER OF SOUTHERN  
21 CALIFORNIA, a non-profit corporation,

22 Plaintiffs,

23 vs.

24 HON. DAVID S. WESLEY, in his official  
25 capacity as Presiding Judge of the Los  
26 Angeles Superior Court ; STATE OF  
27 CALIFORNIA; EDMUND G. BROWN,  
28 JR, in his official capacity as Governor of  
California; and JOHN A. CLARKE, in his  
official capacity as Executive Officer/Clerk  
of the Los Angeles Superior Court,  
Defendants.

Case No. **CV 13-01817 DMG (P2x)**  
**COMPLAINT FOR VIOLATIONS  
OF:**

- (1) ADA (42 U.S.C. § 12131);
- (2) SECTION 504 (29 U.S.C. § 794);
- (3) THE FAIR HOUSING ACT (42 U.S.C. §§ 3604(a) and (f)(1));
- (4) THE FAIR HOUSING ACT (42 U.S.C. §§ 3604(b) and (f)(2));
- (5) DUE PROCESS (U.S. Const. Amend. V and XIV); and
- (6) U.S. Const. Amend. I and XIV

**JURY TRIAL DEMANDED**

COMPLAINT

[Title]

1 Brian Bilford, SBN 262812,  
2 [BrianBilford@nls-la.org](mailto:BrianBilford@nls-la.org)

3 David Pallack, SBN 90083,  
4 [dpallack@nls-la.org](mailto:dpallack@nls-la.org)

5 NEIGHBORHOOD LEGAL SERVICES  
6 OF LOS ANGELES COUNTY  
7 13327 Van Nuys Blvd.,  
8 T: (818) 492-5242 F: (818) 896-6647

9 Paula D. Pearlman, SBN 109038,  
10 [paula.pearlman@lls.edu](mailto:paula.pearlman@lls.edu)

11 Michelle Uzeta, SBN 164402,  
12 [michelle.uzeta@lls.edu](mailto:michelle.uzeta@lls.edu)

13 DISABILITY RIGHTS LEGAL CENTER  
14 800 S. Figueroa Street, Suite 1120  
15 Los Angeles, California 90017  
16 T:(213) 736-1496; F: (213) 736-1428

17 Barbara Schultz, SBN 168766,  
18 [bschultz@lafla.org](mailto:bschultz@lafla.org)

19 Paul J. Estuar, SBN 167764,  
20 [pestuar@lafla.org](mailto:pestuar@lafla.org)

21 Fernando Gaytan, SBN 224712,  
22 [fgaytan@lafla.org](mailto:fgaytan@lafla.org)

23 LEGAL AID FOUNDATION OF LOS ANGELES  
24 1550 West Eighth St.  
25 Los Angeles, California 90017  
26 T: (213) 640-3831; F: (213) 640-3850

27 Richard A. Rothschild, SBN 67356,  
28 [rrothschild@wlcp.org](mailto:rrothschild@wlcp.org)

Sue L. Himmelrich, SBN 110664,  
[shimmelrich@wlcp.org](mailto:shimmelrich@wlcp.org)

Navneet Grewal, SBN 251930,  
[ngrewal@wlcp.org](mailto:ngrewal@wlcp.org)

WESTERN CENTER ON LAW & POVERTY  
3701 Wilshire Boulevard, Suite 208  
Los Angeles, California 90010-2826  
Telephone: (213) 487-7211

## **INTRODUCTION**

1. On March 18, 2013, the Los Angeles County Superior Court will cease operating 21 of the 26 local unlawful detainer courtrooms that tens of thousands of County residents depend on for adjudication of their right to remain in their homes. The elimination of unlawful detainer hearings in neighborhood courthouses near low-income minority communities and individuals with disabilities effectively shuts the courthouse doors on many of the County's most vulnerable residents, in circumstances where meaningful access to justice can make the difference between homelessness and a secure place to live. For example, the Court's plan will eliminate all the unlawful detainer courtrooms in the San Fernando Valley, which is home to more than 1.75 million people – making it larger than all but the four largest cities in the United States – and home to more individuals with disabilities than any other part of the County.

2. The Court's plan delivers a devastating blow to individuals with disabilities and violates its obligation to make courts accessible to people with disabilities. Yet, as the Court has acknowledged, it did not even consider the impact of its plan on tenants with disabilities.

3. The Court's actions will force thousands of low-income Black, Latino and Asian tenants and tenants with disabilities to spend five hours or more traveling to distant courthouses and back, simply to have their day in court. Residents of the San Fernando Valley, for example, will be forced to travel to Santa Monica or Pasadena – areas to which there is no adequate public transit route from the Valley. Because of the expedited nature of the unlawful detainer process and the Court's refusal to accept answers for filing in local courthouses, tenants will have to make the arduous, expensive and in many cases virtually impossible trip to an unfamiliar courthouse at least twice in less than a month's time.

4. Virtually all of the Black, Latino, and Asian tenants and tenants with disabilities who will be severely burdened by the elimination of local unlawful

1 detainer courtrooms have no legal representation for their unlawful detainer cases.  
2 For many unrepresented tenants, the increased burden created by the elimination of  
3 local unlawful detainer hearings will turn an already difficult process into an  
4 insurmountable challenge.

5       5. Thus, as the Court has acknowledged, the elimination of local hearings  
6 will inevitably result in a dramatic increase in the number of unlawful detainer cases  
7 decided by default, regardless of the merits of tenants' cases. Tenants with disabilities  
8 and other tenants in low-income minority communities across Los Angeles County  
9 will become homeless, and the supply of affordable housing will plummet, as  
10 increased defaults will allow landlords to raise the rent on properties subject to local  
11 rent-control ordinances.

12       6. Despite the inevitable and dramatic impact of the Court's actions on  
13 individuals with disabilities and low-income minority communities, the Court  
14 reached its decision to eliminate local unlawful detainer hearings without input from  
15 these communities or the organizations that represent them or an analysis of harm.

16       7. On February 28, 2013, the Court ordered that unlawful detainer cases  
17 will no longer be filed in neighborhood courtrooms after March 18, 2013 – despite  
18 previous representations that no changes would take place until July 1, 2013. The  
19 Order also stated that pending unlawful detainer cases would be transferred.  
20 Plaintiffs therefore bring this action to challenge the Los Angeles County Superior  
21 Court's denial of access to justice to thousands of low-income minority tenants and  
22 tenants with disabilities who rely on local unlawful detainer courtrooms for their day  
23 in court. Plaintiffs allege upon personal knowledge with respect to themselves and  
24 their own acts, and on information and belief with respect to all other matters, as  
25 follows:  
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1 organizations with tenant members who face an imminent risk of irreparable harm if  
2 the Court's plan to eliminate local unlawful detainer hearings is implemented.  
3 POWER, CES and Union de Vecinos are harmed by the court's plan because it  
4 frustrates their ability to preserve affordable housing and protect the legal rights of  
5 their renter members. The Court's plan will undermine its members' abilities to  
6 defend themselves in court and deter its members from asserting their rights as  
7 tenants, such as by requesting repairs from landlords to secure a safe and habitable  
8 home, due to a heightened fear of retaliation coupled with an inability to defend  
9 themselves in court due to the new barriers imposed by the Los Angeles Superior  
10 Court.

11 14. Plaintiff POWER is, and at all times relevant to this action was, a non-  
12 profit California corporation that works with community members to address  
13 community concerns, revitalize their neighborhoods, and preserve subsidized and  
14 affordable housing. POWER achieves these goals by organizing members in public  
15 housing complexes and apartment buildings throughout the San Fernando Valley, San  
16 Pedro, and Mar Vista. Through community organizing, it empowers its members to  
17 win change through direct action, negotiation, legislation, and public participation in  
18 the democratic process. POWER is comprised of over 1,000 community members,  
19 including members with disabilities, who reside throughout Los Angeles County. The  
20 Court's plan frustrates POWER's capacity to organize tenants because the dramatic  
21 increase in defaults and evictions that will inevitably result under the plan will  
22 destabilize tenant groups. POWER has been forced to divert resources to combat the  
23 Court's proposed plan that it would have spent in other ways to address its core  
24 issues. POWER has organized meetings with tenants and conducted outreach and  
25 educational meetings around the harmful impacts of courtroom closures.

26 15. Plaintiff CES is, and at all times relevant to this action was, a non-profit  
27 grassroots and community-based organization that is dedicated to preserving quality  
28 and safe affordable housing in Los Angeles County. CES organizes low and

1 moderate-income people to fight for the rights of tenants living in private and  
2 subsidized housing. CES's members, many of whom have disabilities, are low-  
3 income tenants living in rent control or units subsidized by state and local  
4 governments. The Court's plan frustrates CES's capacity to organize tenants because  
5 the dramatic increase in defaults and evictions that will inevitably result under the  
6 plan will destabilize tenant groups. As a result, CES has been forced to divert  
7 resources to combat the Court's proposed plan that it would have spent in other ways  
8 to address its core issues. CES has organized community meetings, organized  
9 members to attend court meetings, and conducted educational meetings around the  
10 harmful impacts of courtroom closures.

11       16. Plaintiff Union de Vecinos is a network of neighborhood and building  
12 communities through which working families get together to examine the conditions  
13 of their neighborhoods, reflect on the roots causes of those conditions, and act to  
14 bring about concrete change. Many members of Union de Vecinos have disabilities.  
15 To effectuate its mission La Union de Vecinos educates tenants about their rights and  
16 about different initiatives affecting their community. This promotes regular civic  
17 participation in the communities. Union de Vecinos has members in private units and  
18 units subsidized by state and local governments throughout Los Angeles County. The  
19 Court's plan frustrates Union de Vecinos' capacity to organize tenants because the  
20 dramatic increase in defaults and evictions that will inevitably result under the plan  
21 will destabilize tenant groups. As a result it has been forced to divert resources  
22 combatting the Court's proposed plan that it would have spent helping inform tenants  
23 of their rights, protect their rights, and save their homes.

24       17. Plaintiff the Independent Living Center of Southern California  
25 ("ILCSC") is, and at all times relevant to this action was, a non-profit consumer-  
26 based, non-residential agency with its principal office in the City of Van Nuys,  
27 California. ILCSC provides a wide range of services to people with disabilities, older  
28 adults, and veterans in the San Fernando Valley, including housing assistance,

1 vocational training, and independent living skills. ILCSC's mission is to provide  
2 services which offer people with disabilities and seniors the opportunity to seek an  
3 individual course towards independence, while educating the community. The  
4 elimination of local unlawful detainer courtrooms frustrates ILCSC' mission because  
5 the lack of accessible local courthouses will make it more difficult for people with  
6 disabilities and seniors to live securely and independently.

7 18. Defendant the State of California controls, administers, and funds the  
8 Los Angeles Superior Court. Through the Judicial Council, the State is the governing  
9 body of the California courts, including the Los Angeles Superior Court. The State  
10 also ensures that the Los Angeles Superior Court provides all individuals access to  
11 the courts.

12 19. Defendant Governor Edmund G. Brown is the Governor of California.  
13 As Governor, he is responsible for approving the budget for the Judicial Branch of  
14 California. Governor Brown is sued in his official capacity.

15 20. Defendant Judge David S. Wesley is the Presiding Judge of the Los  
16 Angeles Superior Court. As presiding judge, Judge Wesley is responsible, with the  
17 assistance of the court executive officer, for leading the court, establishing its  
18 policies, and allocating resources in a manner that promotes access to justice for all  
19 members of the public. Judge Wesley is sued in his official capacity.

20 21. Defendant John A. Clarke is the Executive Officer/Court of the Los  
21 Angeles Superior Court. As court executive officer, he is responsible, under the  
22 direction of the presiding judge, for overseeing the management and administration of  
23 the nonjudicial operations of the court and allocating resources in a manner that  
24 promotes access to justice for all members of the public, and is responsible for the  
25 Court's facilities and compliance with the Americans with Disabilities Act.  
26 Defendant Clarke is sued in his official capacity.



1 **FACTS COMMON TO ALL CLAIMS**

2 22. 21 out of the 26 courthouses in the Los Angeles Superior Court currently  
3 hear unlawful detainer cases. For tenants in Los Angeles County, these neighborhood  
4 courthouses provide the forum where, on a daily basis, a crucial question is decided:  
5 whether they have the right to remain in the apartment or house they and their  
6 families call home or must face homelessness.

7 23. On February 7, 2013, with no public notice, no plan to ensure  
8 meaningful access to courts for individuals with disabilities, and no evaluation of  
9 harm to needy residents, the Los Angeles Superior Court announced its decision to  
10 drastically reduce the number of courtrooms hearing unlawful detainers, from 26  
11 courtrooms to just five. When the Court was asked whether it had considered the  
12 impact of its plan on people with disabilities, it unequivocally stated that it had not.

13 24. The Stanley Mosk Courthouse in downtown Los Angeles and the  
14 Antelope Valley courthouse will continue to hear unlawful detainers from the same  
15 communities they currently serve. The only other courthouses that will hear unlawful  
16 detainers are the Santa Monica courthouse, the Long Beach courthouse, and the  
17 Pasadena courthouse, which already face capacity constraints and delays in serving  
18 their existing communities.

19 25. Tenants with disabilities and other tenants from communities currently  
20 served by one of the other 21 local courthouses will be forced to travel to Santa  
21 Monica, Long Beach or Pasadena, effectively closing the courthouse doors on them.  
22 There will be no unlawful detainer courtrooms in the San Fernando Valley, which is  
23 larger than all but the four largest cities in the United States and home to more  
24 individuals with disabilities than any other part of Los Angeles County. Tenants  
25 from the Valley will be forced to travel to either Santa Monica or Pasadena – areas to  
26 which there is no adequate public transportation route from the Valley. For residents  
27 of many other areas currently served by neighborhood courthouses, there is also no  
28 adequate public transportation route to the courthouses where unlawful detainers will

1 be heard. These courthouses have significant inaccessible features, which, coupled  
2 with the increased volume of court users, will render them virtually inaccessible to  
3 people with disabilities.

4 26. Individuals with disabilities and people of color are disproportionately  
5 low income, renters, and reliant on public transportation.

6 27. Prior to the Court's decision to eliminate local unlawful detainer  
7 courtrooms, an unlawful detainer filed against Ms. Miles would have been heard at  
8 her neighborhood courthouse in Chatsworth, approximately six miles away from her  
9 home. If the Court implements its plan, the unlawful detainer will be heard in the  
10 Pasadena courthouse, approximately 30 miles away. Ms. Miles – who avoids  
11 traveling in order to remain in her hospital bed – fears that the trip to Pasadena will  
12 be physically impossible for her and cause her severe pain and stress. Because of her  
13 disability, Ms. Miles can barely walk with a cane. Traveling makes her pain even  
14 worse.

15 28. The unlawful detainer against Mr. Sullivan was filed in the Chatsworth  
16 courthouse, which is approximately nine miles from his home. Under the Court's  
17 plan, the case will likely be set for trial at the Pasadena courthouse, which is  
18 approximately twenty-six miles from Mr. Sullivan's home. Traveling to the  
19 Pasadena courthouse will be extremely challenging for Mr. Sullivan and cause him to  
20 suffer physically. Under doctor's orders, Mr. Sullivan cannot travel more than one  
21 hour at a time. One of his caretakers cannot drive on the freeway. Travel by car is  
22 extremely time-consuming for Mr. Sullivan because of the time it takes for his  
23 caretakers to transport him from his wheelchair and secure him and because he must  
24 make regular stops so that his spinal cord is not exposed to vibrations from the  
25 vehicle for long periods of time.

26 29. The majority of the tenants in the communities where neighborhood  
27 courthouses will cease hearing unlawful detainers are low-income black, Latino, and  
28 Asian families. Many of them are also individuals with disabilities. Many speak

1 languages other than English and because the Court does not provide interpreters,  
2 they are unable to present their cases unless they can find a friend or family member  
3 to travel to court with them to act as an interpreter.

4 30. Because few tenants can afford attorneys and legal services offices have  
5 limited resources, only a small minority of these tenants will be represented by  
6 counsel. For most tenants, an unlawful detainer is their first experience with the  
7 judicial system. In contrast, the vast majority of landlords in unlawful detainer cases  
8 are represented and accustomed to the process.

9 31. The challenge unrepresented tenants face in navigating an unfamiliar  
10 judicial process is compounded by the unusually expedited timetable in unlawful  
11 detainer cases, which will be even more difficult to meet for the tenants forced to  
12 travel to distant courthouses under the Court's plan. A tenant must travel to the  
13 courthouse and file an answer to an unlawful detainer within five days of being  
14 served. C.C.P. § 1167.3. If the tenant does not, a landlord can obtain a default  
15 judgment. C.C.P. § 1169.

16 32. If a tenant is able to file an answer and avoid default, the tenant still has  
17 little time to prepare a defense. By statute, unlawful detainers must be set for trial no  
18 later than 20 days after a request is made, and cases can be set with as little as one  
19 weeks notice. C.C.P. § 1170.5(a). Tenants who are unable to appear lose their cases  
20 by default.

21 33. The additional barriers created by the Court's decision to eliminate  
22 unlawful detainer hearings in local courthouses will inevitably result in an increase in  
23 cases decided by default. The minority tenants and tenants with disabilities most  
24 affected by the plan will have to travel to courthouses up to 32 miles away, by the  
25 Court's own estimates. Because of the traffic conditions and inadequate public  
26 transportation system in Los Angeles County, many tenants will have travel five  
27 hours or more, each trip. Public transportation is already extremely difficult for many  
28 individuals with disabilities to access, and paratransit services are limited and

1 frequently unreliable. Because the Court will not accept unlawful detainer answers  
2 for filing at local courthouses, they will have to make this trip twice in a less than a  
3 month.

4 34. Many tenants with disabilities will be unable to travel to the outlying  
5 courthouses where their cases will be heard under the Court's plan. Even for tenants  
6 physically able to make the lengthy trip to a distant courthouse, the Court's plan  
7 erects insurmountable barriers, such as incredible distances to maneuver with lack of  
8 adequate public transportation, that will deprive many of their day in court.

9 35. Many of the low-income minority tenants and tenants with disabilities  
10 who will have to travel the longest and spend the most time traveling once local  
11 unlawful detainer hearings are eliminated do not own cars and live in areas that are  
12 poorly served by Los Angeles County's public transportation system. The trip to the  
13 courthouse for these tenants will require numerous transfers and travel to unfamiliar  
14 areas, and will be prohibitively difficult and expensive. Public transportation routes  
15 across this many miles often require walking substantial distances and long waiting  
16 times outdoors, which will bar access to many tenants with disabilities. Tenants with  
17 limited incomes who own cars will similarly be unable to afford the gas to travel an  
18 additional 64 miles through heavy traffic to the courthouse and back, at least twice, to  
19 defend their rights.

20 36. Some unscrupulous landlords take advantage of the uneven playing field  
21 in unlawful detainer cases by filing weak or meritless cases in the hope that tenants  
22 will lose by default. This is particularly true for long-term tenancies in apartments  
23 subject to rent control ordinances, where an eviction allows the landlord to raise the  
24 rent. Defaults in these cases deplete the supply of affordable housing in the County.  
25 Thus, many low-income tenants have to defend multiple actions, and traveling to  
26 distant courthouses will be a repeat hardship.

27 37. The Court acknowledges that the inevitable result of its plan will be a  
28 dramatic increase in the number of unlawful detainer cases decided by default; at a

1 meeting on February 7, 2013, the Court indicated that it would be introducing a  
2 streamlined new system for processing the increased number of defaults under the  
3 plan. The Court is thus well aware that its plan effectively shuts the courthouse doors  
4 on many tenants. It has also acknowledged that it did not even consider the impact of  
5 its plan on individuals with disabilities.

6 38. Despite its knowledge that its plan fails to provide access to individuals  
7 with disabilities and will deprive many tenants of their day in court, the Court could  
8 not explain how its plan would save any money – even though saving money is the  
9 Court’s stated justification for its plan. Further, the Court has not provided any  
10 explanation for eliminating local unlawful detainer hearings on March 18, 2013,  
11 rather than July 1 as previously announced, leaving no time to evaluate the impact of  
12 its plan on tenants with disabilities and other needy residents or to consider options,  
13 including the provision of reasonable accommodations pursuant to the Americans  
14 with Disabilities Act, that might mitigate the harm to these vulnerable tenants.

15 **FIRST CAUSE OF ACTION**

16 **TITLE II OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C.**

17 **§ 12131 et seq.]**

18 **AGAINST ALL DEFENDANTS**

19 39. Plaintiffs repeat and incorporate by reference the allegations set forth in  
20 paragraphs 1 through 38 above.

21 40. 42 U.S.C. § 12132 provides that, “[n]o qualified individual with a  
22 disability shall, by reason of such disability, be excluded from participation or denied  
23 the benefits of the services, programs, or activities of a public entity.”

24 41. At all times relevant to this action, Defendants were each a “public  
25 entity” within the meaning of Title II of the ADA and provided a program, service or  
26 activity to the general public.

27 42. At all times relevant to this action, Plaintiffs Miles and Sullivan and  
28 members of Plaintiffs POWER, CES, and Union de Vecinos were qualified

1 individuals within the meaning of Title II of the ADA and met the essential eligibility  
2 requirements for the receipt of the services, programs, or activities of the Defendants.

3 43. In acting as herein alleged, Defendants have failed in its responsibilities  
4 under Title II to provide its services, programs and activities in a full and equal  
5 manner to people with disabilities. Defendant's violations of Title II include, inter  
6 alia:

- 7 a. Failing to ensure that UD court programs, services and activities  
8 are readily accessible to and usable by persons with disabilities;
- 9 b. Failing to remove architectural and programmatic barriers that  
10 exclude and deter people with disabilities from having equal  
11 access to UD court programs, services and activities;
- 12 c. Affording qualified individuals with disabilities the opportunity to  
13 participate in or benefit from its aids, benefits, or services that is  
14 not equal to that afforded others;
- 15 d. Providing qualified individuals with disabilities with aids,  
16 benefits, and/or services that are not as effective in affording equal  
17 opportunity to obtain the same result, to gain the same benefit, or  
18 to reach the same level of achievement as that provided to others;
- 19 e. Otherwise limiting qualified individuals with disabilities in the  
20 enjoyment of any right, privilege, advantage, or opportunity  
21 enjoyed by others receiving the aid, benefit, or service;
- 22 f. Utilizing criteria or methods of administration that:
  - 23 i. Have the effect of subjecting qualified individuals with  
24 disabilities to discrimination on the basis of disability; and
  - 25 ii. Have the purpose or effect of defeating or substantially  
26 impairing accomplishment of the objectives of the LASC's  
27 program with respect to individuals with disabilities; and
- 28

1           g.     Failing to make reasonable modifications in policies, practices, or  
2                   procedures when the modifications are necessary to avoid  
3                   discrimination on the basis of disability.

4           44.    As a direct proximate result of the Court's unlawful conduct, Plaintiffs  
5 POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable harm and  
6 this harm will continue absent injunctive relief.

7           45.    As a direct and proximate result of the Defendants' unlawful conduct,  
8 Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de  
9 Vecinos, and other tenants face an imminent risk of irreparable harm which will  
10 continue absent injunctive relief.

11                                   **SECOND CLAIM FOR RELIEF**

12                   **[§ 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. § 794]**

13           **AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICIAL CAPACITIES**

14           46.    Plaintiffs repeat and incorporate by reference the allegations set forth in  
15 paragraphs 1 through 45 above.

16           47.    Section 504 of the Rehabilitation Act of 1973 provides in pertinent part:  
17 "[N]o otherwise qualified individual with a disability. . . shall, solely by reason of her  
18 or his disability, be excluded from the participation in, be denied the benefits of, or be  
19 subjected to discrimination under any program or activity receiving federal financial  
20 assistance. . . ." 29 U.S.C. § 794.

21           48.    Plaintiffs Miles and Sullivan and members of Plaintiffs POWER, CES,  
22 and Union de Vecinos are qualified individuals with disabilities within the meaning  
23 of the Rehabilitation Act because they have a physical or mental impairment that  
24 substantially limits one or more of major life activities. 29 U.S.C. § 705(20)(B).

25           49.    At all times relevant to this action Defendants were recipients of federal  
26 funding within the meaning of the Rehabilitation Act.

27           50.    Through its acts and omissions described herein, Defendants violated  
28 and continue to violate the Rehabilitation Act by excluding Plaintiffs Miles and

1 Sullivan and members of Plaintiffs POWER, CES, and Union de Vecinos from  
2 participation in, denying them the benefits of, and subjecting them to discrimination  
3 in the benefits and services Defendants provides.

4 51. As a direct and proximate result of the Defendants' unlawful conduct,  
5 Plaintiffs POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable  
6 harm and this harm will continue absent injunctive relief.

7 52. As a direct and proximate result of Defendants' unlawful conduct,  
8 Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de  
9 Vecinos, and other tenants face an imminent risk of irreparable harm which will  
10 continue absent injunctive relief.

11 **THIRD CAUSE OF ACTION**

12 **[FAIR HOUSING ACT, 42 U.S.C. §§ 3604(a) and (f)(1)]**

13 **AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICAL CAPACITIES**

14 53. Plaintiffs repeat and incorporate by reference the allegations set forth in  
15 paragraphs 1 through 52 above.

16 54. The Fair Housing Act, 42 U.S.C. §§ 3604(a) and (f)(1), provides that  
17 "[i]t shall be unlawful . . . [t]o refuse to sell or rent after the making of a bona fide  
18 offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable  
19 or deny, a dwelling to any person because of race, color . . . or national origin" or  
20 "because of a handicap of that ...renter."

21 55. The elimination of local unlawful detainer courtrooms will have an  
22 unjustified disparate impact on black, Latino and Asian tenants and will deny  
23 meaningful access to unlawful detainer courts to black, Latino, and Asian tenants and  
24 tenants with disabilities, who will therefore lose their rights to remain in their homes.  
25 Therefore, the plan will otherwise make unavailable or deny dwellings to Plaintiffs  
26 Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and  
27 other tenants on the basis of race, color, national origin or disability, in violation of  
28 42 U.S.C. §§ 3604(a) and (f)(1).



56. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable harm and this harm will continue absent injunctive relief.

57. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants face an imminent risk of irreparable harm which will continue absent injunctive relief.

#### FOURTH CAUSE OF ACTION

**[FAIR HOUSING ACT, 42 U.S.C. §§ 3604(b) and (f)(2)]**

### AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICAL CAPACITIES

58. Plaintiffs repeat and incorporate by reference the allegations set forth in paragraphs 1 through 57 above.

59. The Fair Housing Act, 42 U.S.C. §§ 3604(b) and (f)(2), provides that "[i]t shall be unlawful . . . [t]o discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, . . . or nation origin" or "because of a handicap of that person."

60. The elimination of local unlawful detainer courtrooms will have an unjustified disparate impact on black, Latino, and Asian tenants and will deny meaningful access to unlawful detainer courts to black, Latino, and Asian tenants and tenants with disabilities, who will therefore lose their rights to remain in their homes. Therefore, the plan will have the effect of discriminating against Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin or disability, in violation of 42 U.S.C. §§ 3604(b) and (f)(2).

61. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable harm and this harm will continue absent injunctive relief.

62. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants face an imminent risk of irreparable harm which will continue absent injunctive relief.

### **FIFTH CAUSE OF ACTION**

**[42 U.S.C. § 1983 U.S. CONST. AMEND. V AND XIV]**

### AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICIAL CAPACITIES

63. Plaintiffs repeats and incorporates by reference the allegations set forth in paragraphs 1 through 62 above.

64. 42 U.S.C. § 1983 provides that “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . . .” The Fifth Amendment to the United States Constitution provides that no person shall “be deprived of life, liberty, or property, without due process of law.” The Fourteenth Amendment to the United States Constitution provides that no state shall “deprive any person of life, liberty, or property, without due process of law.”

65. The Court's plan violates Plaintiffs Miles' and Sullivan' rights, and the rights of members of Plaintiffs POWER, CES, and Union de Vecinos, under the Due Process Clause of the Fifth and Fourteenth Amendments. After the Court implements its plan, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos and many other tenants will be deprived of their property rights without a meaningful opportunity to be heard.

1           66. As a direct and proximate result of Defendants' unlawful conduct,  
2 Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de  
3 Vecinos, and other tenants face an imminent risk of irreparable harm which will  
4 continue absent injunctive relief.

5                                   **SIXTH CAUSE OF ACTION**

6                                   **[U.S. CONST. AMEND. I AND XIV]**

7                   **AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICAL CAPACITIES**

8           67. Plaintiffs repeat and incorporate by reference the allegations set forth in  
9 paragraphs 1 through 66 above.

10          68. 42 U.S.C. § 1983 provides that "[e]very person who, under color of any  
11 statute, ordinance, regulation, custom, or usage, of any State or Territory . . .  
12 subjects, or causes to be subjected, any citizen of the United States or other person  
13 within the jurisdiction thereof to the deprivation of any rights, privileges, or  
14 immunities secured by the Constitution and laws, shall be liable to the party injured  
15 in an action at law, suit in equity, or other proper proceeding for redress . . . ." The  
16 Petition Clause of the First Amendment to the United States Constitution, as  
17 incorporated against the states through the Fourteenth Amendment to the United  
18 States Constitution, guarantees the right to access to courts.

19          69. The Court's plan violates Plaintiffs Miles' and Sullivan' rights, and the  
20 rights members of Plaintiffs POWER, CES, and Union de Vecinos, under the Petition  
21 Clause of the First Amendment. After the Court implements its plan, Plaintiffs Miles  
22 and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos and many  
23 other tenants will be unable to access the courts to defend their rights in unlawful  
24 detainer actions.

25          70. As a direct and proximate result of Defendants' unlawful conduct,  
26 Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de  
27 Vecinos, and other tenants face an imminent risk of irreparable harm which will  
28 continue absent injunctive relief.

1 **Prayer for Relief**

2 WHEREFORE, Plaintiffs pray for judgment:

3 1. Enjoining the Defendants from eliminating unlawful detainer courtrooms  
4 and hearing sites at local courthouses under its February 28, 2013 consolidation order  
5 and prohibiting the Defendants from implementing the consolidation order;

6 2. Enjoining the Defendants from undertaking any future efforts to  
7 eliminate or reduce unlawful detainer courtrooms and hearing sites until the Court  
8 first holds public meetings and allows for a public input process in all impacted  
9 communities, conducts an analysis of impediments to individuals with disabilities,  
10 and establishes a plan to ensure meaningful access to Superior Court services to all  
11 individuals with disabilities in unlawful detainer actions;

12 3. Retaining jurisdiction over the Defendants until such time as the Court is  
13 satisfied that Defendants' unlawful practices, acts and omissions complained of  
14 herein no longer exist and will not recur;

15 4. Awarding Plaintiffs such other and further relief as the Court deems just  
16 and proper; and

17 5. Awarding Plaintiffs the costs, expenses, and attorneys' fees incurred in  
18 this action.

19  
20 Dated: March 13, 2013

NEIGHBORHOOD LEGAL SERVICES OF  
LOS ANGELES COUNTY  
LEGAL AID FOUNDATION OF LOS ANGELES  
DISABILITY RIGHTS LEGAL CENTER  
WESTERN CENTER ON LAW & POVERTY

21  
22  
23  
24 By: /s/ [Signature]

25 Attorneys for Plaintiff  
26  
27  
28

**JURY DEMAND**

Trial by jury of all issues is demanded.

Dated: March 13, 2013

NEIGHBORHOOD LEGAL SERVICES OF  
LOS ANGELES COUNTY  
LEGAL AID FOUNDATION OF LOS ANGELES  
DISABILITY RIGHTS LEGAL CENTER  
WESTERN CENTER ON LAW & POVERTY

By: /s/ 

Attorneys for Plaintiff